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East Timor

Working paper prepared by the Secretariat

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I. General

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the top of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme eastern tip. It lies between latitudes 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. The 1980 census recorded the total population of the Territory at 555,350. According to the latest estimates, as of 1995, the population of the Territory was 814,000.[1]

II. Political developments

A. Background

2. According to Indonesian Law 7/76 of 17 July 1976, East Timor is a province or a "first-level region" of Indonesia with a Government consisting of a "Regional Secretariat" and a "Regional House of Representatives". East Timor is represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

3. In its resolution 32/34 of 28 November 1977, the General Assembly rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

B. Recent developments

4. Indonesia has continued to maintain its military presence in East Timor. General Abdul Rivai, Indonesian military commander of the Udyana region, reportedly estimated that as of November 1996, "the number of separatist guerrillas in the Territory was less than 100, maybe 80".[2] According to Indonesian sources, as of the end of 1996, five battalions or about 3,000 troops were stationed in East Timor.[3] Other sources estimate the Indonesian military presence in the Territory at between 7,000 and 10,000 troops.[4]

5. East Timorese resistance to Indonesian rule has continued. Press reports indicated that in June 1996, 100 East Timorese were arrested and questioned by police in Baucau following demonstrations there. In his statement concerning the incident, East Timorese Roman Catholic Bishop Carlos Felipe Ximenes Belo stated that some 100 East Timorese detained youths had been tortured during the questioning while any access to them, including by the International Committee of the Red Cross (ICRC), had been denied.[5] In a statement of 12 June 1996, the Indonesian military commander in East Timor, Colonel Mahidin Simbolon, confirmed that at least 60 youths had been arrested in Baucau following an alleged attack on a local bus and acts of vandalism at Baucau's market.[6]

6. In June 1996, about 50 East Timorese youths staged a peaceful protest at the Indonesian Parliament in Jakarta over the alleged killing of their colleague by police.[7] The Indonesian police stated that "25-year-old Soares was a convict and that he was shot after he had resisted arrest". The spokesman for the protestors said that Mr. Soares had been shot in the legs and stomach.[8]

7. Cooperation between Australian and East Timorese Catholics has continued. Press reports indicate that in August 1996, Cardinal Edward Clancy of Australia visited East Timor at the invitation of Bishop Belo. Cardinal Clancy stated that his visit aimed at strengthening brotherhood between Australian and East Timorese Catholics.[9]

8. In October 1996, the Nobel Committee announced its decision to award the 1996 Nobel Peace Prize to East Timorese Roman Catholic Bishop Felipe Ximenes Belo and East Timorese resistance activist and spokesman José Ramos Horta "for their sustained and self-sacrificing contributions for a small but oppressed people".[10] In a statement dated 11 October 1996, the Secretary-General of the United Nations extended his congratulations to Bishop Belo and Mr. Ramos Horta.[11] Also on 11 October, President of Portugal Jorge Sampaio congratulated the 1996 Nobel Peace Prize winners and emphasized that "the award reflected their indefatigable work in the success of human rights and peace in the Territory".[12] On 24 October 1996, the Permanent Mission of Indonesia to the United Nations issued a press release[13] objecting to the decision of the Nobel Committee. On 24 October 1996, the "Governor" of East Timor, in a letter addressed to the Nobel Committee, stated that the Nobel Peace Prize should not have been awarded to persons "involved in political activities".[14] On 10 December 1996, the Nobel Peace Prize award ceremony was held in Oslo. Mr. Francis Sejersted, Chairman of the Nobel Committee, presenting the Nobel Peace Prize to Bishop Belo and Mr. Ramos Horta, said:

> "It is precisely in forging a close link between the human rights criterion and peace that we believe we are realizing that criterion's most universal and most fundamental aspects. Peace, stability and

> harmony must be based on mutual respect. The two laureates, Bishop Belo and José Ramos Horta, have worked with great sacrifice on behalf of the oppressed people. In extremely difficult conditions, they were able to keep their humanity and faith in the future. It is with admiration for the work they are doing that the Nobel Committee awarded them the Nobel Peace Prize for 1996."[15]

In his Nobel acceptance speech, Bishop Belo called upon the Indonesian Government to release all East Timorese political prisoners as a step towards peace in the Territory and confirmed his high hopes in the United Nations ability to generate dialogue on East Timor.[16] Mr. Ramos Horta said that his Nobel Peace Prize should have been awarded to the imprisoned East Timorese resistance leader "Xanana" Gusmao, reiterated his commitment to the struggle of the people of East Timor for self-determination and called upon the international community to bring peace and freedom to East Timor.[17]

9. In November 1996, numerous demonstrations were held in Dili, Baucau and other regions of East Timor in support of the 1996 Nobel Peace Prize awards.[18]

10. On 20 November 1996, Indonesia revoked its permission for 20 Jakarta-accredited foreign journalists from Japan, Australia, the United Kingdom of Great Britain and Northern Ireland, Germany, France and Hong Kong to travel to East Timor to cover a press conference by Bishop Belo.[19]

11. On 22 November 1996, the People's Democratic Party (PRD), an Indonesian party not recognized by the Government, called on the Indonesian Government to withdraw its troops from East Timor and hold a referendum on the future status of the Territory.[20]

12. On 23 November 1996, despite earlier reports to the contrary, Bishop Belo inaugurated a 27-metre-tall bronze statue of "Christ the King" set on top of the Fatucana hill overlooking the Bay of Dili. Some 20,000 persons attended the ceremony. Also present were "Governor" Soares and the head of the Indonesian military command of the Udyana region, General Abdul Rivai.[21]

13. On 25 November 1996, approximately 400 East Timorese students held a pro-independence demonstration at the Dili Roman Catholic diocese centre where Bishop Belo held a press conference for local and foreign journalists. The Indonesian authorities announced that "five protesters were arrested on charges of masterminding the demonstration".[22]

14. On 4 December 1996, about 30,000 East Timorese lining the road en route from the airport to Dili's cathedral welcomed Bishop Belo when he returned to the Territory from a European trip following the Nobel Peace Prize award ceremony and a meeting with the Pope in Rome.[23]

15. According to press reports, in December 1996, a campaign in support of 1,400 East Timorese seeking asylum in Australia entitled "We Owe Them" was launched in Australia by the Anglican, Baptist and United churches. The campaign envisages the establishment of a network for the refugees from the Territory who fail to receive asylum from the Australian authorities.[24]

16. On 24 December 1996, one person, reportedly an Indonesian policeman, died and 11 were injured in violence which erupted in front of the Catholic cathedral in Dili. Bishop Belo apologized in connection with the incident.[25]

17. According to press reports, at the end of January 1997, tensions continued to escalate in Dili as Indonesian security forces continued searching for youths suspected of involvement in the killing of a soldier on Christmas Eve. East Timor Deputy Police Chief Lieutenant-Colonel Atok Rismanto reportedly stated that police had detained 15 persons suspected of involvement in the killing of the policeman and pledged to arrest more.[26]

18. On 7 February 1997, members of Gada Paksi, a pro-Indonesian military-backed group, reportedly attacked a priest and a group of young East Timorese Catholics in Viqueque. Brawls between the young Catholics and Gada Paksi members continued through 9 February. Reportedly some Catholic youths were wounded. East Timor's Deputy Police Chief, Lieutenant-Colonel Atok Rismanto, said that police had fired warning shots and that no one had been hurt.[27]

19. Press reports indicate that on 10 February 1997, East Timorese youths ransacked a police station and attacked two police officers in Betun, West Timor. Thirty-four East Timorese were detained in connection with the incident.[28]

20. On 20 February 1997, fighting between East Timorese Catholics and Muslim Bugi was reported in Ambeno.[29] One person was killed and over 80 houses and two minibus stations were burned. Reportedly, the fighting started following "disrespect shown to a local Catholic priest by a Bugi".[30]

21. In March 1997, Pope John Paul II appointed Bishop Basilio de Nascimento apostolic administrator of the newly created diocese of Baucau. Bishop Belo, who previously had had responsibility for all of East Timor, will remain leader of the diocese based in Dili. In a message addressed to the Catholics of East Timor, Pope John Paul expressed his hope that "a broad and truly just internationally acceptable

solution would be found to the complex and painful question of East Timor".[31]

22. From 17 to 20 March 1997, Assistant Secretary of State of the United States of America, Mr. John Shattuck, visited Indonesia and East Timor. At a press conference following the visit, Mr. Shattuck stated that the United States would work "with all interested parties to support Ambassador Marker and the United Nations Secretary-General in creating an effective framework for dialogue on East Timor ... The United States strongly endorses the dialogue that is going to be conducted under the auspices of the United Nations Secretary-General, as well as the all-inclusive intra-East Timorese dialogue, which I think also needs to be advanced."[32]

23. During the visit to East Timor and Indonesia of the Personal Representative of the Secretary-General, Mr. Jamsheed Marker, demonstrations by young East Timorese took place in Dili and Jakarta. On 23 March 1997, a number of East Timorese youths reportedly stormed the hotel where Ambassador Marker was staying, voicing pro-independence slogans. The demonstrators were dispersed by the Indonesian police, and in the course of the police action several demonstrators were wounded and many participants were detained. On 25 March 1997, 33 East Timorese reportedly entered the Austrian Embassy in Jakarta demanding to meet Mr. Marker. Subsequently, three representatives of the demonstrators met Mr. Marker at the office of the United Nations Development Programme (UNDP) in Jakarta and delivered a petition. Press reports indicate that after the demonstrators left the Austrian Embassy, the Indonesian police arrested them and detained them for a few days.[33]

24. On 20 April 1997, thousands of Australians participated in a rally in Melbourne urging the Government to grant asylum to 1,360 East Timorese who had fled to Australia in 1996.[34]

25. During the period under review, 85 East Timorese sought political asylum in several foreign embassies in Jakarta. Most of them subsequently left Indonesia for exile in Portugal.

III. Human rights situation

26. A member of the Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to international human rights principles.

27. During the period under review, Amnesty International continued to monitor the human rights situation in East Timor and published a number of reports on the subject. Amnesty International stated: "The award of the Nobel Peace Prize to East Timorese leaders Bishop Belo and José Ramos Horta served as a reminder that the human rights situation in East Timor remains extremely grave. Arbitrary detention, torture and ill-treatment are a fact of daily life and 'disappearances' and political killings also continue".[35] Amnesty International confirmed that "torture and ill-treatment of political detainees in East Timor was routine".[36] The organization also concluded that politically related extrajudicial executions continue to occur in East Timor where "in September 1996, Jacinto de Jesus and Luis Ximenes were shot and killed by members of Kostrad (Army Strategic Reserve Command) as they were checked at a border crossing between Baucau and Viqueque".[37] Another Amnesty International report states that unfair political trials in East Timor "included denial of access to lawyers; withholding information from the dependents about the timing of the trials; use of testimonies during trials which were often extracted under torture and without lawyers being present; and refusal to bear witnesses for the defence. In some cases, defendants had been intimidated into reprising legal representation during their trials."[38] It was also reported that "at least eight and possibly 13 East Timorese men were arrested in the aftermath of two violent incidents in Dili, following the return to East Timor of Nobel Peace Prize laureate, Bishop Carlos Belo, on 24 December 1996" while fearing that "those people could be mistreated because of the routine use of torture and ill-treatment by the security forces in attempting to extract confessions".[39] Amnesty International estimates that at least 57 prisoners of conscience are currently serving terms including life imprisonment for their peaceful opposition to Indonesian rule in East Timor. Among those prisoners are nine persons convicted in relation to the 1991 Dili incident and 21 persons sentenced in connection with the 1995 Baucau riots.

28. *Human Rights Watch World Report 1997* indicates increasing tensions and riots in East Timor in June 1996 and a continued wide range of human rights violations by the Indonesian Government. Extrajudicial executions and torture continued in East Timor. In 1996, a high school student, Paulo Dos Reis, was shot and killed by an Indonesian soldier after being suspected of resistance activities. Also in 1996, André Sousa was killed by an Indonesian soldier.

29. The United States Department of State, in its annual report on human rights, stated that during 1996 Indonesia "continued to commit serious human rights abuses". Security forces continued to torture and mistreat detainees, particularly in East Timor. In East Timor, still troubled by a low-level insurgency and a disaffected indigenous

population that generally resents Indonesian rule and has inadequate opportunity to determine its own affairs, there were further instances of killings, disappearances, torture and excessive use of force by military and insurgents. No progress was made in accounting for the missing persons following the 1991 Dili incident or the others who disappeared in 1995-1996. Troop levels remained unjustifiably high. The Indonesian Government granted limited access to East Timor to foreign journalists but banned travel by all foreign human rights non-governmental organizations (NGOs), except ICRC. In several cases, the Indonesian military punished abuses by its personnel. The National Human Rights Commission opened an office in Dili. Young, disgruntled East Timorese mounted repeated intrusions into embassies in Jakarta seeking asylum and publicity for their cause. Security forces continued to employ harsh measures against separatist movements in East Timor. Security forces killed two unarmed civilians in April 1996 in two separate unrelated incidents. In August 1996, a student was killed after quarrelling with soldiers and then seeking to escape arrest. The Indonesian military reportedly suffered casualties in East Timor during a clash with guerrillas in August. In ensuing military operations, five East Timorese reportedly were arrested. Guerrillas carried out attacks against immigrants and pro-Government East Timorese and suspected informers that resulted in several deaths. On 24 December, in Dili, an out-of-uniform police officer was beaten to death by a crowd when he was discovered to be carrying a pistol and a hand-radio. Several other policemen, including the Dili Chief of Police, were injured. Following the July 1996 violence and its aftermath, the National Human Rights Commission reported 23 missing, 149 injured and 5 dead, one of whom had been shot. Suspects were detained for substantial periods of time before formal charges were brought. The disappearance of an East Timorese from Same was reported around 13 May. In East Timor, military units regularly detained civilians for interrogation; often those civilians were mistreated for several days and then released. Military and police units made frequent use of random torture against young men to maintain order in urban areas of East Timor. On 17 November 1996, following the stoning of a police hut in Baucau, police entered a high school student dormitory and severely beat two students. The Indonesian military, taking advantage of high unemployment, recruited young East Timorese to a local paramilitary force which was charged with human rights abuses. The Government also relied on bands of youths, organized and directed by the Government, to intimidate and harass its opponents in East Timor. Indonesian authorities denied a visiting foreign official access to imprisoned East Timorese "Xanana" Gusmao. There were credible reports about numerous cases of arbitrary detentions and arrests in Dili, Baucau and Viqueque. Numerous East Timorese continued to serve sentences for subversion. Judicial warrants were required for searches except for cases involving suspected subversion, crimes and corruption; however, security agencies continued regularly to make forced or surreptitious entries and to engage in selective surveillance of persons and residents, as well as to monitor local and international telephone calls without legal resraint. Although the Indonesian Government reduced its transmigration programme, it continued to support migration to East Timor, despite the resentment of the territorial population which often resulted in communal tensions and rioting. Nobel Prize co-laureate Bishop Belo was subjected to intense pressure and became a target of government-organized demonstrations aimed at forcing him to retract his published remarks critical of some government and military actions in East Timor. A number of students were detained in Dili after a 25 November 1996 demonstration for allegedly displaying anti-Soeharto banners. Special permission continued to be required for foreign journalists to travel to East Timor. With a few exceptions, press access to East Timor was restricted. A number of journalists repeatedly requested permission to travel to the Territory without success. The Constitution of Indonesia provides for religious freedom. In East Timor, foreign missionaries experienced difficulties and delays in renewing residence permits, and visas allowing the entrance of new foreign clergy were difficult to obtain. A number of East Timorese asylum-seekers who took refuge in various embassies in Jakarta were permitted to emigrate after negotiations. The Indonesian Government continued to consider outside investigation or foreign-based criticism of alleged human rights violations to be interference in its internal affairs. ICRC continued to operate in East Timor and to visit political prisoners; however, during 1996, ICRC periodically experienced difficulties in implementing its humanitarian programme in the Territory. Travel to East Timor by foreign non-governmental organizations had not been approved, but domestic human rights NGOs were able to visit the Territory. In August 1996, in Viqueque, East Timorese demonstrated against government-sponsored Muslim migrants to East Timor and burned a number of shops owned by those migrants. In June 1996, the desecration of a Roman Catholic religious symbol in Baucau caused rioting on the part of Catholic East Timorese, leading to numerous arrests and at least one serious injury. East Timorese continued to charge that they are under-represented in the civil service in the Territory.[40]

30. A United States Congressional delegation visited East Timor from 12 to 14 January 1997.[41] In a statement to the House of Representatives, Congressman Frank R. Wolf (Republican, Virginia), summarizing the findings of the delegation, said, *inter alia*, that the situation in East Timor was "uncertain and somewhat violent" and that "the army's role in policing was excessive and should be curtailed". He also stated that "even the apprehension of legitimate criminals exceeded acceptable boundaries" when "large numbers of troops broke into the buildings, needlessly firing weapons and beating and dragging away the suspect while terrorizing the entire neighbourhood not occasionally, but time after time" resulting in "the people of East Timor living in fear". Congressman Wolf estimated the Indonesian military presence in the Territory at "16,000 troops or perhaps more to oppose a threat of 200 or less rebels". He deplored that the Indonesian Government continued to deny international NGOs and media access to the Territory. He called upon the United States Government to accord "attention and concern" to "human rights and religious freedom" in East Timor and to "strongly support ongoing United Nations efforts to address a permanent solution in the region".[42] According to press reports, on 27 January 1997, the Indonesian Embassy in Washington stated: "The picture Mr. Wolf paints of East Timor is so bluntly inaccurate that we feel compelled to respond ... We feel Congressman Wolf's detailed reflections of his brief tour are biased, one-sided and represent a perspective doubtlessly cemented prior to his visit and completely unaffected by the reality of life today in East Timor."[43]

31. In a statement of 31 January 1997 to the United States House of Representatives International Relations Committee, Congressman Lewis F. Payne (Democrat, Virginia) expressed his concerns regarding "abuses of individuals in East Timor". At the same meeting, Congressman Chris Smith (Republican, New Jersey) and Congressman Wolf also made references to the human rights abuses in East Timor.[44]

32. United States Congressman Patrick Kennedy (Democrat, Rhode Island), following his December 1996 visit to East Timor, announced on 4 March 1997 that, on the basis of continued human rights abuses in East Timor, he was planning to introduce a bill linking United States assistance to Indonesia to the human rights situation in the Territory.[45]

33. In November 1996, 15 United States Senators, in a letter addressed to President Bill Clinton, expressed concern about reports of substantial human rights violations by the Indonesian Government in East Timor and urged the President to raise "the issue of a United Nations-sponsored self-determination referendum for the people of East Timor" with the Indonesian President at the Asia Pacific Economic Cooperation Summit in Manila (November 1996).[46]

34. In November 1996, United States Congressman Howard Berman (Democrat, California) expressed his concerns about the situation in East Timor and said that the United States House of Representatives Subcommittee on Asia and the Pacific, of which he is a member, "would be looking closer at troubles" in the Territory.[47]

IV. Economic, social and educational conditions

35. In the absence of information submitted by the administering Power under Article 73 *e* of the Charter of the United Nations and for the reasons explained in paragraph 37 below, information on economic, social and educational conditions in the Territory has been derived from the press releases of the Permanent Mission of Indonesia to the United Nations, which have described the prevailing conditions as follows:

1. Employment

(a) 14,862 new job opportunities have been created.

(b) 1,000 people have been recruited as civil servants for the 1996-1997 fiscal year.

2. Agriculture

(a) The Department of Agriculture has exerted its efforts towards cultivating a cashew nut plantation covering 400 hectares in Covalima and also enhancing production of coffee in Ermera.

(b) 150 East Timorese fishermen are participating in training programmes in Tegal (Central Java) and Sorong (Irian Jaya).

3. Completion of irrigation projects

(a) The construction of Karaulaun Dam has been concluded and it will serve to irrigate 2,196 hectares of rice plantations.

(b) The projects in Viqueque (the second Uatolari project), Baucau and Manatuho have also been finalized.

(c) An additional irrigation system has been built to supply water to develop agricultural lands of 200 hectares for growing rice.

4. Education and culture

(a) The Department of Education held a programme aimed at enhancing vocational training programmes in schools in East Timor. In the 1995/96 fiscal year, 611 new students were admitted and the number has since increased to 1,325 students for the 1996/97 fiscal year.

(b) A foundation started by Mr. Lopes Da Cruz grants scholarships to students from East Timor to study in various other universities in Indonesia.

(c) The Polytechnic School in Hera Akanunu offers its students a variety of training programmes, including mechanical engineering, civil engineering, chemical engineering, electrical engineering, accountancy as well as business studies.

(d) The Department of Education and Culture has published textbooks in the local dialect of Tetum for elementary, junior high and high school levels.

5. Cooperatives

A cooperative of taxi drivers has been set up in Dili.

6. Religion

(a) Thirty-seven Catholic churches have been renovated.

(b) The Department of Religious Affairs has published textbooks on the Catholic religion — 17,750 books for the elementary school and 2,200 books for the junior and high school levels.

(c) Three thousand new teachers have received training in the Catholic curriculum.

V. Consideration by the United Nations[48]

36. The Security Council, in its resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 "call[ed] upon all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)", and also "call[ed] upon the Government of Indonesia to withdraw without delay all its forces from the Territory". Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of reports submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[49] Since its thirty-eighth session, the General Assembly has deferred consideration of the item.[50]

37. Since 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that, owing to conditions prevailing in the Territory, namely the presence of armed forces of Indonesia, it has, de facto, been prevented from transmitting any information concerning East Timor under Article 73 *e* of the Charter of the United Nations.[51]

38. At its thirty-seventh session, by resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

39. Since 1983, the Secretary-General has kept the General Assembly regularly apprised of developments related to the exercise of his good offices.[52] His most recent progress report, submitted to the Assembly at its fifty-first session, is contained in document A/51/361.

40. The Secretary-General held the eighth round of discussions with the Foreign Ministers of Indonesia and Portugal in London on 27 June 1996. The following communique was issued on the same date at the conclusion of the talks:

> "1. The Secretary-General held the eighth round of talks on the question of East Timor in Geneva on Thursday, 27 June 1996, with the Foreign Minister of Indonesia, Mr. Ali Alatas, and the Foreign Minister of Portugal, Mr. Jaime Gama.
>
> "2. The Ministers discussed developments since the last round of talks in January 1996, including the implementation of the Chairman's statement adopted by consensus in 1996 by the fifty-second session of the Commission on Human Rights, the importance of which was recognized.
>
> "3. The Ministers, without prejudice to their respective positions of principle regarding the status

of East Timor, discussed in greater detail those substantive issues which have been identified related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution to the question of East Timor.

"4. The Ministers welcomed the convening of the all-inclusive intra-East Timorese dialogue, held at Burg Schlaining, Austria, from 19 to 22 March 1996 with the facilitation of the Secretary-General. They expressed their gratitude to the Government of Austria for hosting the meeting and to other Governments for their support.

"5. The Ministers took note positively of the Secretary-General's intention to facilitate and offer the necessary arrangements for another meeting of the all-inclusive intra-East Timorese dialogue in accordance with the same terms of reference agreed at the fifth round of talks.

"6. The Ministers considered the proposals of the all-inclusive East Timorese dialogue and agreed to proceed with consultations on those relating to the establishment of an East Timorese cultural centre in Dili and to the development of human resources in East Timor.

"7. Following today's discussions, the parties agreed to continue their efforts, with the assistance of the Secretary-General, to find a just, comprehensive and internationally acceptable settlement to the question of East Timor. The ninth round of talks will be held on 21 December 1996 in New York. In the interval, talks will continue at the Permanent Representative level with the participation of the Secretary-General's Representative."[53]

41. On 3 February 1997, while attending the Davos Economic Summit in Switzerland, the Secretary-General met with the Minister of the Presidency of the Council of Ministers of Portugal and the Foreign Minister of Indonesia and discussed "getting the talks on East Timor up and going ahead". The Secretary-General also said that he favoured a sustained United Nations effort on leading those talks.[54]

42. On 12 February 1997, the following announcement was made by the Spokesman for the Secretary-General:

"United Nations Secretary-General Kofi Annan has decided to appoint, with immediate effect, Ambassador Jamsheed K. A. Marker of Pakistan as his Personal Representative for East Timor. Ambassador Marker's appointment is part of the Secretary-General's efforts to give new impetus to his good offices aiming at finding a just, comprehensive and internationally acceptable solution to the question of East Timor."[55]

43. The Personal Representative of the Secretary-General for East Timor visited Portugal, Indonesia and East Timor in March 1997 and held talks with officials at the highest level regarding the continuation of the Secretary-General's good offices.

44. During the general debate at the fifty-first session of the General Assembly, the representatives of Angola (A/51/PV.4), Cape Verde (A/51/PV.24), Guinea-Bissau (A/51/PV.19), Indonesia (A/51/PV.13) and Portugal (A/51/PV.12 and 13) referred to the question of East Timor in their statements.

45. In the general debate in the Third Committee, the representatives of Ireland (on behalf of the European Union) and Angola (on behalf of the member countries of the Southern African Development Community (SADC)) referred to the question of East Timor. In the general debate in the Special Political and Decolonization Committee (Fourth Committee), Portugal made reference to the question of East Timor under the agenda item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

46. The Special Committee considered the question of East Timor at its 1458th to 1461st meetings, on 23 and 24 July 1996. During those meetings the Committee heard statements by the representatives of Sao Tome and Principe (on behalf also of Angola, Cape Verde, Guinea-Bissau and Mozambique) (A/AC.109/SR.1460); Portugal, as the administering Power (A/AC.109/SR.1458, 1460 and 1461); Papua New Guinea (A/AC.109/SR.1461) and Indonesia (A/AC.109/SR.1458, 1459, 1460 and 1461); as well as by 32 petitioners (A/AC.109/SR.1458, 1459 and 1460). At its 1461st meeting, on 24 July 1996, on the proposal of the Acting Chairman, the Special Committee decided to continue consideration of the item at its next session subject to any directions which the General Assembly might give in that connection at its fifty-first session, it being understood that the objections made by the representative of Indonesia would be reflected in the record of the meeting (A/AC.109/SR.1461).

47. The question of East Timor was considered by the United Nations Subcommission for Prevention of Discrimination and Protection of Minorities at its 4th and 7th meetings, held on 7 and 9 August 1996 respectively. The documents pertaining to that consideration are listed below:

(a) Summary record of the fourth meeting, held at the Palais des Nations, Geneva, on Wednesday, 7 August 1996. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-eighth session (E/CN.4/Sub.2/1996/SR.4);

(b) Summary record of the seventh meeting, held at the Palais des Nations, Geneva, on Friday, 9 August 1996. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-eighth session (E/CN.4/Sub.2/1996/SR.7).

48. The question of East Timor was subsequently considered by the United Nations Commission on Human Rights. The documents pertaining to that consideration are listed below:

(a) Status of the International Covenants on Human Rights. Written Statement submitted by Human Rights Advocates (E/CN.4/1997/NGO/66);

(b) Situation in East Timor: report of the Secretary-General (E/CN.4/1997/51 and Add.1);

(c) Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular, torture and other cruel, inhuman or degrading treatment or punishment. Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B (E/CN.4/1997/7);

(d) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60);

(e) Report of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1);

(f) Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34).

49. On 21 April 1997, the Commission on Human Rights adopted by a roll-call vote of 20 in favour and 14 opposed, with 18 abstentions, resolution 1997/63 entitled "Situation of human rights in East Timor", reading as follows:

"*The Commission on Human Rights*,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

"*Mindful* that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

"*Recalling* its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

"1. *Welcomes:*

(a) The report of the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

"2. *Expresses its deep concern:*

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

"3. *Calls upon* the Government of Indonesia:

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as a follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

"4. *Decides:*

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations."

VI. Consideration by regional organizations

50. On 25 June 1996, the European Union (EU) adopted the following Common Position on East Timor:

"*Article 1*

"The European Union, referring to its previous declarations on the situation in East Timor, intends to pursue the following aims:

(1) To contribute to the achievement by dialogue of a fair, comprehensive and internationally acceptable solution to the question of East Timor, which fully respects the interests and legitimate aspirations of the Timorese people, in accordance with international law;

(2) To improve the situation in East Timor regarding respect for human rights in the territory.

"*Article 2*

"To pursue the aims referred in article 1, the European Union:

(1) Supports the initiative undertaken in the United Nations framework which may contribute to resolving this question;

(2) Supports in particular the current talks under the auspices of the Secretary-General of the United Nations with the aim of achieving the solution referred to in point 1 of article 1, effective progress towards which continues to be hampered by serious obstacles;

(3) Encourages the continuation of intra-Timor meetings in the context of this process of dialogue under the auspices of the United Nations;

(4) Calls upon the Indonesian Government to adopt effective measures leading to a significant improvement in the human rights situation in East Timor, in particular, by implementing fully the relevant decisions adopted in this connection by the United Nations Commission on Human Rights;

(5) Supports all appropriate action with the objective of generally strengthening respect for human rights in East Timor and substantially improving the situation of its people by means of resources available to the European Union and calling for action by NGOs.

"*Article 3*

"The Council will be responsible for the follow-up for this common position.

"*Article 4*

"This common position shall apply from the date of its adoption.

"*Article 5*

"This common position shall be published in the Official Journal."

On 11 July 1996, 14 States which are not members of the Union associated themselves with the above EU common position on East Timor.

51. On 17 July 1996, seven Portuguese-speaking countries — Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe — at a summit held at Lisbon, announced the establishment of a Community of Portuguese Speaking Countries (CPLP) as a "means of improving cooperation in the pursuit of common interests". The leaders of the CPLP member States attending the summit appealed for the self-determination of East Timor and respect for human rights there. It is expected that CPLP could consider granting East Timor observer status in the Community.[56]

52. In December 1996, at its annual meeting held at Jakarta, the Organization of the Islamic Conference adopted the following text:

"The Conference was briefed by Indonesia on the question of East Timor and the efforts to find a solution to the question. In that regard, the Conference fully supports Indonesia in the efforts to achieve a just, comprehensive and internationally acceptable solution."[57]

53. The African, Caribbean and Pacific States (ACP)/EU Joint Assembly, on 26 September 1996, adopted a resolution expressing concern over the situation in East Timor and reaffirming its support for the efforts undertaken under the auspices of the Secretary-General of the United Nations to resolve the situation in East Timor.[58]

54. The Sixth Summit of Heads of State and Government of the Ibero-American Countries, held at Viña del Mar, Chile in November 1996, adopted the following decision:

"As was stated at the Summits held in Salvador de Bahia (1993), Cartagena de Indias (1994) and San Carlos de Bariloche (1995), we continue to support the efforts by the Secretary-General of the United Nations aiming at achieving a just, global and internationally acceptable solution to the question of East Timor, consistent with the norms and principles of international law."[59]

55. In January 1997, the European Union proposed to initiate programmes of economic and social assistance to East Timor. The Foreign Minister of Indonesia reportedly rejected the proposal, stating that such direct aid could not be accepted.[60]

56. According to press reports, at a meeting between the European Union and the Association of South-East Asian Nations (ASEAN) held at Singapore in February 1997, the participants could not reach agreement on a new treaty upgrading ties between EU and ASEAN since the European Union insisted that the treaty should not be limited to economic cooperation but also should involve political and human rights issues, particularly the question of East Timor. The ASEAN countries opposed inclusion of human rights issues in the treaty.[61]

Notes

1 *World Population Prospects: The 1994 Revision* (United Nations publication, Sales No. E.95.XIII.16).

2 *Reuters*, 23 November 1996.

3 *Agence France-Presse*, 17 December 1996.

4 *Reuters*, 16 July 1996.

5 *Agence France-Presse*, 14 June 1996.

6 *ANTARA*, 12 June 1996.

7 *Reuters*, 10 June 1996.

8 *Agence France-Presse*, 14 June 1996.

9 *The Jakarta Post*, 6 August 1996.

10 *United Press International*, 17 October 1996.

11 Press release SG/SM/6075.

12 *Agence France-Presse*, 12 October 1996.

13 Permanent Mission of Indonesia to the United Nations, press release No. 1010/PR/NOB/96 of 24 November 1996.

14 *Reuters*, 26 October 1996.

15 Ibid., 12 December 1996.

16 *Agence France-Presse*, 12 December 1996.

17 *Reuters*, 12 December 1996.

[18] Ibid., 23 and 28 November 1996.

[19] *Agence France-Presse*, 21 November 1996.

[20] *Reuters*, 23 November 1996.

[21] *Agence France-Presse*, 24 November 1996.

[22] *Agence France-Presse*, 25 November 1996; *The Jakarta Post*, 10 December 1996.

[23] *Reuters*, 30 December 1996.

[24] *Deutsche Presse Agentur*, 12 December 1996.

[25] *Agence France-Presse*, 25 December 1996.

[26] *Reuters*, 23, 27 and 30 January 1997.

[27] Ibid., 8 February 1997.

[28] *Agence France-Presse*, 11 February 1997.

[29] *Reuters*, 13 February 1997.

[30] Ibid., 20 and 21 February 1997.

[31] *Agence France-Presse*, 9 March 1997.

[32] *Reuters*, 21 March 1997.

[33] Ibid., 23, 24 and 25 March 1997; *Agence France-Presse*, 23, 24, 25 and 26 March 1997.

[34] *Agence France-Presse*, 24 April 1997.

[35] Amnesty International report ASA/21/83/96.

[36] Ibid.

[37] ASA/41/01/47.

[38] ASA/21/83/96.

[39] ASA/21/10/97.

[40] United States Department of State, Country Reports on Human Rights for 1996, Washington, D.C., February 1997.

[41] *Reuters*, 12, 13, 14 and 15 January 1997.

[42] *Agence France-Presse*, 27 January 1997.

[43] *Reuters*, 28 January 1997.

[44] Ibid., 31 January and 1 February 1997.

[45] Ibid., 4 and 5 March 1997.

[46] Ibid., 18 November 1996.

[47] *Agence France-Presse*, 13 November 1996.

[48] For details, see corresponding sections of the previous working papers prepared by the Secretariat (A/AC.109/L.1328 and A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961, 1001, 1115, 1154, 1187, 2026 and 2049).

[49] See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

[50] General Assembly decisions 38/402, 39/402, 40/402, 43/402, 46/402, 49/402, 50/402 and 51/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, A/47/PV.3 and A/51/PV.3.

[51] See A/35/233, A/37/160, A/37/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131, A/47/189, A/48/130, A/49/184, A/50/214 and A/51/361. Owing to a lack of information from the administering Power, the information contained in the present working paper has been derived from other sources.

[52] A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507, A/46/456, A/48/418, A/49/391 and A/50/436.

[53] Press release SG/T/2071.

[54] Press release SG/T/2085.

[55] Press release DH/2329.

[56] *Reuters*, 18 July 1996; *Financial Times International*, 18 July 1996.

[57] Ibid., 21 December 1996.

[58] Ibid., 27 September 1996.

[59] Ibid., 27, 28 and 29 March 1997.

[60] Ibid., 21 January 1997.

[61] *Agence France-Presse*, 21 February 1997.